

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicant gratefully acknowledges the indication, at page 6 of the Office Action, that the subject matters of Claims 5 and 6 are free of the prior art. By way of the foregoing amendments, Claim 5 has been placed in independent form, including the subject matter of the independent claim from which it depended; Claim 5's subject matter is now presented in Claim 1, and Claim 5 has been cancelled. An Examiner's Statement of Reasons for the Indication of Allowable Subject Matter was included at page 6 of the Office Action. Applicant has the following comments.

While the claimed combinations are patentable over the prior art for the reasons presented therein, the claimed combinations are patentable for many more reasons. More specifically, the patentability of the claimed combinations is not limited to the particular subset of features identified in the Statement, but rather it is the entire combinations of in the claims, each taken as a whole, that are patentable over the prior art, both taken alone and in hypothetical combination.

Rejection under 35 U.S.C. § 101

In the Office Action, beginning at page 2, Claims 9-11 were rejected under 35 U.S.C. § 101 as allegedly failing to recite statutory subject matter. Applicant respectfully requests reconsideration of this rejection.

While Applicant disagrees with the negative patentability characterizations in the Office Action, Applicant has elected at this time to redraw the claims to be directed to systems. No new matter has been added. Accordingly, the rejections under section 101 are now moot.

Applicant reserves the right to file one or more divisional and/or continuation applications to further pursue the subject matter described in this application, including methods.

For at least the foregoing reasons, Applicant respectfully submits that Claims 9-11 are directed to statutory subject matter, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 112, second paragraph

In the Office Action, beginning at page 2, Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matters that allegedly are indefinite. Applicant respectfully requests reconsideration of this rejection.

Applicant and the undersigned have carefully reviewed the Office Action and all of the claims, and present a number of editorial and stylistic amendments to the claims which do not relate to their patentabilities. Applicant respectfully disagrees with the characterizations in the Office Action that the minor informalities pointed out rise to a level mandating a rejection under section 112, second paragraph. Because the foregoing amendments revise these phrases in the claims, Applicant respectfully submits that the rejections are now moot.

For at least the foregoing reasons, Applicant respectfully submits that Claims 1-4 and 6-11 fully comply with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102

In the Office Action, beginning at page 3, Claims 1-4, 7-9, and 11 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by one or more of U.S. Patent No. 4,772,299, issued to Bogusz, U.S. Patent No. 4,389,227, issued to Hubbs, and U.S. Patent No. 4,076,508, issued to Christensen. Applicant respectfully requests reconsideration of these rejections.

In an effort to expedite prosecution of this application towards passage to issue, Applicant has elected to place allowable Claim 5 in independent form. Accordingly, these rejections are now moot.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters

of Claims 1-4, 7-9, and 11 are not anticipated by *Bogusz*, *Hubbs*, and *Christensen*, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

New Claims

New Claims 12 and 13 have been added, both of which depend from Claim 1 and are allowable for at least the same reasons. Claims 12 and 13 are derived from Claims 9 and 10, respectively, and merely present subject matter previously recited in these claims. An early indication of the allowability of Claims 12 and 13 is therefore respectfully requested.

Conclusion

Applicant respectfully submits that this patent application is in condition for allowance. An early indication of the allowability of this application is therefore respectfully solicited.

If Mr. Hopkins believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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¹ 37 C.F.R. § 1.4(d)(3)